

REMARKS/ARGUMENTS

Claims 1-9, 19, 22-23, 25 and 27 are cancelled.

Support for each amended claim is found at the originally filed claims and throughout the originally filed specification. Additionally, support for the feature of present Claims 10 and 26 “0-35 parts by weight of (B)” is found, for example, page 13, lines 15-16 of the originally filed specification. Support for the feature of present Claims 10 and 26 “100-65 parts by weight of (A)” is found, for example, by combining “0-35 parts by weight of (B)” from page 13, lines 15-16 of the originally filed specification, with the originally filed Claim 1 feature “with the proviso that $(A) + (B) = 100$ parts by weight.”

No new matter is believed to have been added.

The indefiniteness rejection of Claims 20 and 23 is respectfully traversed. The rejection of Claim 23 is obviated by cancellation of Claim 23. The rejection of Claim 20 is believed to be obviated by the amendment of Claim 20 to depend from Claim 10. Withdrawal of the indefiniteness rejection is respectfully requested.

The anticipation and obviousness rejections of Claims 10-16, 20-21, 23-24 and 26 as being unpatentable in view of EP 0825227 ('227) is respectfully traversed. '227 describes, at page 3, lines 30-34, “the thermoplastic elastomer component (A) and the SPBD component (B) [syndiotactic 1,2-polybutadiene resin component] are preferably present respectively in contents of 40 to 95 parts and 60 to 5 parts, per 100 parts by weight of the total elastic composition.” “If the content of the component (A) is too small and thus the content of the component (B) is too large, the resultant thermoplastic elastomer composition may exhibit an unsatisfactory rubber elasticity.”

Thus, '227, in describing:

60 to 5 parts syndiotactic 1,2-polybutadiene resin component, and

40-95 parts by weight of a thermoplastic elastomer component

does not describe or suggest the features of present Claims 10 and 26, and the claims depending therefrom, of:

100-65 parts by weight of (A) syndiotactic 1,2-polybutadiene having a crystallinity of 5% or more, and

0 to 35 parts by weight of (B) at least one thermoplastic polymer. Further, as described above, '227 "teaches away from" these features of present Claims 10 and 26.

Accordingly, '227 can not anticipate or render obvious present Claims 10 and 26, and the claims depending therefrom.

Withdrawal of the obviousness rejection is respectfully requested.

The obviousness rejection of Claims 17-28 and 20 as being unpatentable in view of '227 in combination with Doheny, Jr. is respectfully traversed. As described above, '227 does not describe or suggest all of the features of present Claims 10 and 26, and the claims depending therefrom. The disclosure of Doheny, Jr. does not remedy the deficiencies of '227. Withdrawal of the obviousness rejection is respectfully requested.

The double patenting rejection of Claims 10-18, 20-21, 23-24 and 26 is believed to be obviated by the filing of a terminal disclaimer along with this paper.

Applicants submit the present application is now in condition for allowance. Early notification to this effect is earnestly solicited.

Application No. 10/529,206
Reply to Office Action of March 28, 2008

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Charles C. Andres, Jr., Ph.D.
Attorney of Record
Registration No. 57,537

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)